

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
REILS FINANCE SPV,	:
	:
Plaintiff,	:
	:
-v-	:
	:
CIP 1300 U STREET OWNER, LLC, and ROBERT W. CLIPPINGER,	:
	:
Defendants.	:
	:
-----X	

22-CV-7280 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

At 12:47 p.m. yesterday, the Court received an e-mail from Defendant Robert Clippinger, with two attachments, all of which are attached to this Order as Exhibit A.

Later that afternoon, the Court held a teleconference. As stated on the record:

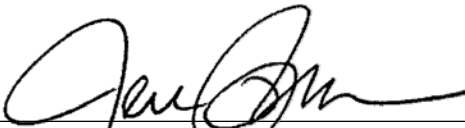
- Defendants are granted **one final** extension of the deadline to file any opposition to Plaintiff's Motion for Default Judgment (including any argument that this case is subject to the automatic bankruptcy stay) to **January 19, 2023**. If there is no opposition filed by that date, the Court may enter default judgment as unopposed.
- Plaintiff's deadline to file any reply is **January 26, 2023**.
- The Court will hold a Default Judgment hearing on **February 2, 2023, at 3:45 p.m.** To join the proceeding, the parties should call 888-363-4749 and use access code 5421540#. Members of the press and public may call the same number, but will not be permitted to speak during the conference. The parties are reminded to follow the procedures for telephone conferences described in the Court's Individual Rules and Practices, which are available at <https://nysd.uscourts.gov/hon-jesse-m-furman>. Among other things, those procedures require counsel to provide advance notice of who will participate in the conference and the telephone numbers they will use to participate.

In addition, the Court reminds Defendants that corporate entities may appear in federal court only through licensed counsel, *see Lattanzio v. COMTA*, 481 F.3d 137, 140 (2d Cir. 2007), and where such an entity "repeatedly fails to appear by counsel, a default judgment may be entered against it," *Grace v. Bank Leumi Tr. Co. of N.Y.*, 443 F.3d 180, 192 (2d Cir. 2006) (internal quotation marks omitted).

The Clerk of Court is directed (1) to update the docket to reflect that Mr. Clippinger is (unless and until an attorney enters a notice of appearance on his behalf) proceeding *pro se* and (2) to mail a copy of this Order to Mr. Clippinger at the address set forth on the attached email.

SO ORDERED.

Dated: December 16, 2022
New York, New York



JESSE M. FURMAN
United States District Judge

COURT EXHIBIT A

Furman NYSD Chambers

From: Bob Clippinger [REDACTED]
Sent: Thursday, December 15, 2022 12:47 PM
To: [REDACTED]; Furman NYSD Chambers
Cc: Graham, Christopher; Froukje Zieleman; Bob Clippinger
Subject: RE: REILS Finance SPV v. CIP 1300 U Street Owner, LLC, et al.; S.D.N.Y. Case No. 1:22-cv-07280-JMF [WWLLP-PHLDMS1.FID3607183]
Attachments: 2022_8_4 Notice Chp. 11 Filing.pdf; 2022_8_4 Voluntary Petition for Non-Individuals Filing for BK.pdf

CAUTION - EXTERNAL:

Your Honor,

Respectfully I will attend today pro se. I am meeting with an attorney and in the process of engaging a firm.

The underlying entity, 1300 U Street Owner, LLC is in bankruptcy and so I believe a stay is in effect. I have attached documentation for the bankruptcy in the United States Bankruptcy Court.

We are in the process of filing a plan of reorganization and the joint plan is to refinance the property with REILS Finance SPV (the "Plaintiff") per the plan they provided us this week. This plan will cure any possible defaults.

The default is not ripe for review and the underlying asset is in bankruptcy and we are in the process of adding value to the asset still.

I will be joining the Hearing via [REDACTED] and thank you.



Bob Clippinger
President
Clippinger Investment Properties, Inc.
Los Angeles Office | 4910 W 1st Street | Los Angeles, CA 90004
Sacramento Office | 1020 12th Street, Suite 201 | Sacramento, CA 95814
Direct [REDACTED] | Main 949.363.7676
[REDACTED] | www.cip-inc.com

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From: Powers, Travis [REDACTED]
Sent: Wednesday, December 14, 2022 1:05 PM
To: Furman_NYSDChambers@nysd.uscourts.gov
Cc: Graham, Christopher [REDACTED]; Bob Clippinger [REDACTED]
Subject: REILS Finance SPV v. CIP 1300 U Street Owner, LLC, et al.; S.D.N.Y. Case No. 1:22-cv-07280-JMF [WWLLP-PHLDMS1.FID3607183]

Your Honor,

We represent REILS Finance SPV (the "Plaintiff"), plaintiff in the above-referenced matter currently pending before the Court. A hearing on Plaintiff's *Motion for Default Judgment* [ECF Doc. Nos. 20-25] is currently scheduled for December 15, 2022 at 4:30 P.M. (the "Hearing"), as is an initial pre-trial conference. Pursuant to the Court's Orders dated November 28, 2022 [ECF Doc. Nos. 42 and 43], as well as Rule 3(B)(i) of the Court's Individual Rules and Practices in Civil Cases, please allow this correspondence to serve as the email to chambers as required thereunder.

I will be appearing tomorrow on behalf of Plaintiff along with my colleague, Mr. Christopher F. Graham, Esq., and we both intend to speak at the Hearing. Mr. Graham and I expect to be joining the Hearing via [REDACTED] 9.

We have made inquiry as to whether defendants, CIP 1300 U Street Owner, LLC (the "LLC Defendant") and Mr. Robert W. Clippinger ("Mr. Clippinger"), intend to appear at the Hearing but have not yet been able to confirm their attendance. Mr. Clippinger, an individual defendant and principal of the LLC Defendant, is copied on this correspondence.

Please contact the undersigned at the Court's convenience should Your Honor have any questions regarding this correspondence.

Respectfully Submitted

/s/ Travis Powers



Travis Powers | Counsel

7 Times Square, Suite 2900 | New York, NY 10036-6524

Direct [REDACTED] | Fax [REDACTED] | Mobile [REDACTED]

whiteandwilliams.com

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CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

United States Bankruptcy Court
Central District of California

Notice of Bankruptcy Case Filing

A bankruptcy case concerning the debtor(s) listed below was filed under Chapter 11 of the United States Bankruptcy Code, entered on 08/04/2022 at 1:27 PM and filed on 08/04/2022.

1300U SPE, LLC
4910 W. 1st Street
Los Angeles, CA 90004
Tax ID / EIN: [REDACTED]



The case was filed by the debtor's attorney:

Matthew D. Resnik
RHM Law LLP
17609 Ventura Blvd., Suite 314
Encino, CA 91316
818-285-0100

The case was assigned case number 2:22-bk-14236-WB to Judge Julia W. Brand.

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

If you would like to view the bankruptcy petition and other documents filed by the debtor, they are available at our *Internet* home page www.cacb.uscourts.gov or at the Clerk's Office, 255 East Temple Street., Los Angeles, CA 90012.

You may be a creditor of the debtor. If so, you will receive an additional notice from the court setting forth important deadlines.

Kathleen J. Campbell
Clerk, U.S. Bankruptcy Court

PACER Service Center			
Transaction Receipt			
08/04/2022 13:35:49			
PACER Login:	rdmbbklaw	Client Code:	
Description:	Notice of Filing	Search Criteria:	2:22-bk-14236-WB
Billable Pages:	1	Cost:	0.10

Fill in this information to identify your case:

United States Bankruptcy Court for the:

CENTRAL DISTRICT OF CALIFORNIA

Case number (if known)

Chapter 11

☐ Check if this an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

06/22

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name 1300U SPE, LLC

2. All other names debtor used in the last 8 years

Include any assumed names, trade names and doing business as names

3. Debtor's federal Employer Identification Number (EIN)

4. Debtor's address

Principal place of business

Mailing address, if different from principal place of business

4910 W. 1st Street
Los Angeles, CA 90004

Number, Street, City, State & ZIP Code

P.O. Box, Number, Street, City, State & ZIP Code

Los Angeles
County

Location of principal assets, if different from principal place of business

1300 U Street Sacramento, CA 95818
Number, Street, City, State & ZIP Code

5. Debtor's website (URL)

6. Type of debtor

☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))☐ Partnership (excluding LLP)☐ Other. Specify:

Debtor **1300U SPE, LLC**
Name

Case number (if known)

7. Describe debtor's business A. *Check one:*

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
- ☒ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- ☐ Railroad (as defined in 11 U.S.C. § 101(44))
- ☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
- ☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
- ☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
- ☐ None of the above

B. *Check all that apply*

- ☐ Tax-exempt entity (as described in 26 U.S.C. § 501)
- ☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. § 80a-3)
- ☐ Investment advisor (as defined in 15 U.S.C. § 80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor. See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

8. Under which chapter of the Bankruptcy Code is the debtor filing?

A debtor who is a "small business debtor" must check the first sub-box. A debtor as defined in § 1182(1) who elects to proceed under subchapter V of chapter 11 (whether or not the debtor is a "small business debtor") must check the second sub-box.

Check one:

- ☐ Chapter 7
- ☐ Chapter 9

☒ Chapter 11. *Check all that apply:*

- ☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D), and its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$3,024,725. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ The debtor is a debtor as defined in 11 U.S.C. § 1182(1), its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$7,500,000, and it chooses to proceed under Subchapter V of Chapter 11. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return, or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ A plan is being filed with this petition.
- ☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
- ☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
- ☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12**9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?**

If more than 2 cases, attach a separate list.

- ☒ No.
- ☐ Yes.

District _____
District _____

When _____
When _____

Case number _____
Case number _____

Debtor 1300U SPE, LLC
Name

Case number (if known) _____

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?
- ☒ No
☐ Yes.

List all cases. If more than 1, attach a separate list

Debtor _____ Relationship _____
District _____ When _____ Case number, if known _____

11. Why is the case filed in this district? Check all that apply.

- ☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?
- ☒ No
☐ Yes.

Answer below for each property that needs immediate attention. Attach additional sheets if needed.

Why does the property need immediate attention? (Check all that apply.)

- ☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.

What is the hazard? _____

- ☐ It needs to be physically secured or protected from the weather.

- ☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).

- ☐ Other _____

Where is the property? _____

Number, Street, City, State & ZIP Code _____

Is the property insured?

- ☐ No

- ☐ Yes. Insurance agency _____

Contact name _____

Phone _____

Statistical and administrative information

13. Debtor's estimation of available funds

Check one:

- ☒ Funds will be available for distribution to unsecured creditors.
- ☐ After any administrative expenses are paid, no funds will be available to unsecured creditors.

14. Estimated number of creditors

- ☒ 1-49

- ☐ 50-99

- ☐ 100-199

- ☐ 200-999

- ☐ 1,000-5,000

- ☐ 5001-10,000

- ☐ 10,001-25,000

- ☐ 25,001-50,000

- ☐ 50,001-100,000

- ☐ More than 100,000

15. Estimated Assets

- ☐ \$0 - \$50,000

- ☐ \$50,001 - \$100,000

- ☐ \$100,001 - \$500,000

- ☐ \$500,001 - \$1 million

- ☐ \$1,000,001 - \$10 million

- ☒ \$10,000,001 - \$50 million

- ☐ \$50,000,001 - \$100 million

- ☐ \$100,000,001 - \$500 million

- ☐ \$500,000,001 - \$1 billion

- ☐ \$1,000,000,001 - \$10 billion

- ☐ \$10,000,000,001 - \$50 billion

- ☐ More than \$50 billion

16. Estimated liabilities

- ☐ \$0 - \$50,000

- ☒ \$1,000,001 - \$10 million

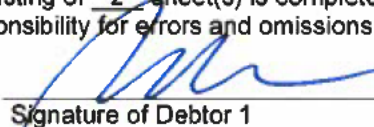
- ☐ \$500,000,001 - \$1 billion

Debtor	1300U SPE, LLC	Case number (if known)
	Name	
	<input type="checkbox"/> \$50,001 - \$100,000	<input type="checkbox"/> \$10,000,001 - \$50 million
	<input type="checkbox"/> \$100,001 - \$500,000	<input type="checkbox"/> \$50,000,001 - \$100 million
	<input type="checkbox"/> \$500,001 - \$1 million	<input type="checkbox"/> \$100,000,001 - \$500 million
		<input type="checkbox"/> \$1,000,000,001 - \$10 billion
		<input type="checkbox"/> \$10,000,000,001 - \$50 billion
		<input type="checkbox"/> More than \$50 billion

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address Matthew D. Resnik 17609 Ventura Blvd. Ste 314 Encino, CA 91316 (818) 285-0100 Fax: (818) 855-7013 California State Bar Number: (SBN 182562) CA matt@rhmfir.com	FOR COURT USE ONLY
<input type="checkbox"/> Debtor(s) appearing without an attorney <input checked="" type="checkbox"/> Attorney for Debtor	
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA	
In re: 1300U SPE, LLC <div style="text-align: right;">Debtor(s).</div>	CASE NO.: CHAPTER: 11 <div style="text-align: center;"> VERIFICATION OF MASTER MAILING LIST OF CREDITORS [LBR 1007-1(a)] </div>

Pursuant to LBR 1007-1(a), the Debtor, or the Debtor's attorney if applicable, certifies under penalty of perjury that the master mailing list of creditors filed in this bankruptcy case, consisting of 2 sheet(s) is complete, correct, and consistent with the Debtor's schedules and I/we assume all responsibility for errors and omissions.

Date: August 4, 2022


Signature of Debtor 1

Date: _____

Signature of Debtor 2 (joint debtor)) (if applicable)

Date: August 4, 2022

Signature of Attorney for Debtor (if applicable)

Debtor 1300U SPE, LLC
Name

Case number (if known) _____

Request for Relief, Declaration, and Signatures

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature
of authorized
representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

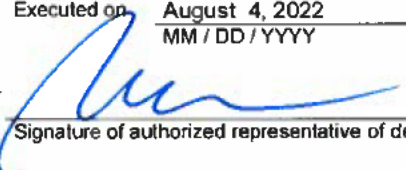
I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 4, 2022
MM / DD / YYYY

X


Signature of authorized representative of debtorRobert W. Clippinger
Printed nameTitle Managing Member**18. Signature of attorney**

X

/s/ Matthew D. ResnikDate August 4, 2022
MM / DD / YYYY

Signature of attorney for debtor

Matthew D. Resnik
Printed nameRHM LAW, LLP.
Firm name17609 Ventura Blvd.
Ste 314
Encino, CA 91316

Number, Street, City, State & ZIP Code

Contact phone (818) 285-0100Email address matt@rhmfir.com(SBN 182562) CA
Bar number and State

1300U SPE, LLC
4910 W. 1st Street
Los Angeles, CA 90004

Matthew D. Resnik
RHM LAW, LLP.
17609 Ventura Blvd.
Ste 314
Encino, CA 91316

California Department of Tax and Fe
Special Procedures Section MIC: 29
P.O. Box 942879
Sacramento, CA 94279

Employment Developement Dept
Bankruptcy Group MIC 92E
PO Box 826880
Sacramento, CA 94280

Franchise Tax Board
Attn: Bankruptcy Unit
P.O. Box 2952
Sacramento, CA 95812-2952

Internal Revenue Service
P.O. Box 7346
Philadelphia, PA 19101-7346

Red Fox Capital Mortgage Fund, LP
Rick Abrams
P.O. Box 11065
Charlotte, NC 28220

Sacramento County Tax Collector
PO Box 508
Sacramento, CA 95812-0508

Vista Capital, LLC
120 Cachanilla Ct
Palm Desert, CA 92260